

ORDINANCE NO. 2014-12

AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA AMENDING THE SEDONA CITY CODE TITLE 8 (HEALTH AND SAFETY) BY ADDING CHAPTER 8.55 (DRIVING WHILE USING A PORTABLE COMMUNICATIONS DEVICE); PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL AS OF THE EFFECTIVE DATE OF ANY CODE PROVISIONS IN CONFLICT HEREWITH.

WHEREAS, the Sedona City Council is authorized to adopt provisions necessary to preserve the health of the City of Sedona, and to make and enforce all local, police, sanitary, and other regulations not in conflict with the general laws; and

WHEREAS, A.R.S. § 28-626(B) authorizes the adoption of additional traffic regulations that are not in conflict with other state traffic or transportation regulations; and

WHEREAS, texting while driving a motor vehicle and the use of portable communications devices has increased in recent years; and

WHEREAS, the use of portable communication devices and texting while driving a motor vehicle have contributed to the increase of injuries, deaths, property damage, health care costs, and auto insurance rates; and

WHEREAS, motorists who operate portable communication devices and/or text while driving a motor vehicle are statistically more likely to become involved in a traffic accident; and

WHEREAS, it is the desire of the Sedona City Council to promote and encourage healthy and safe behaviors for all by regulating certain traffic behaviors.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA AS FOLLOWS:

Section 1. Adoption by Reference

Title 8 of the Sedona City Code is hereby amended by adding a new chapter, Chapter 8.55, "Driving While Using a Portable Communications Device," set forth in that public document entitled: "2014 Amendments of Title 8 of the Sedona City Code, Driving While Using a Portable Communications Device" established as a public record by Resolution No. 2014-22, hereby referred to, adopted, and made a part hereof, as if fully set forth in this Ordinance, and serve to amend the Sedona City Code in accordance with the provisions thereof.

Section 2: Effective Date.

This Ordinance will become effective 30 days after adoption by the Sedona City Council. However, for the purpose of informing and educating persons who operate motor vehicles and motor driven cycles, any law enforcement officer may only issue verbal warnings to persons who would be violating the City of Sedona Ordinance for a six (6) month period after the Ordinance is adopted.


Section 3. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section 4. Repeal

All other code provisions, ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date set forth in Section 2 above, to the extent of such conflict as of the effective date hereof.

APPROVED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona this 22nd day of July, 2014.



Robert M. Adams, Mayor

ATTEST:



Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:



Mike Goimarac, City Attorney